

## Input Ms. Andrea Hitzke, member of the board, KOK - German NGO Network against trafficking in Human Beings

Trafficking in human beings and its connections with illegal migration  
OSCE Security Committee meeting on 12 September 2016, Vienna

Your Excellencies,  
Ladies and Gentlemen

Thank you very much for inviting me to this OSCE Security Committee meeting.

It is a great honour and a pleasure to have the opportunity to share with you our experiences regarding the problem “Trafficking in human beings and its connections to illegal migration” that is the topic today.

As kindly introduced by Ambassador Cristian Istrate, I am the managing director of the Dortmunder Mitternachtsmission, which is one of the specialized counselling centres for victims of trafficking in Germany. Also, I am a board member of the German NGO network of specialized counselling centres for victims of trafficking, short: KOK.<sup>1</sup>

I would like to briefly introduce you to this network before speaking about the link of migration policies, irregular migration, and human trafficking and the specific situation in Germany.

KOK is the German NGO network and coordination office against trafficking in human beings. Established by social workers in 1987 to support victims of trafficking, the NGO became an official organisation in 1999.

It now supports 37 member organisations, including counselling centres for victims of trafficking, immigrant focused projects, safe houses for women and counselling services for prostitutes. KOK coordinates the efforts of its member organisations and other stakeholders involved in the fight against human trafficking.

It transforms the experiences gained in grassroots counselling centres into political strategies. KOK is the interface between NGOs working on the grass root level and governmental and intergovernmental stakeholders, policy makers, scientists and other civil society organisations. KOK is a member of many national and international working groups.

In our view, the topic of this meeting is absolutely current.

Trafficking has always been connected to migration of different kinds. From the beginning, our counselling centres were supporting women from a range of different countries who have become victims of trafficking for various reasons.

All of us are aware that poverty, conflicts, and emergency crisis situations can fuel trafficking as people are forced to migrate under dangerous and vulnerable conditions. In recent years, we have seen an increased number of persons who were forced to migrate due to conflicts, environmental disasters and poverty.

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<sup>1</sup> <http://www.kok-gegen-menschenhandel.de/en/home.html>

Most migrants and displaced persons remain in close-by countries in their region, however, a significant number of persons from some war torn states have come to Europe and other OSCE participating states in the past few years.<sup>2</sup>

Getting legally to a safe country, however, is not possible for many of them. Reasons are manifold: Conflicts often lead to the breakdown of institutions, or those migrating belong to a group of the population that is persecuted, discriminated against and denied documents necessary for legal migration. Besides conflicts and the fear for one's life, poverty and lack of perspectives are also strong driving forces for individuals to migrate in search for work and livelihood.

These driving factors for migration collide with increasingly restrictive migration policies of European and many other Western countries. In this year's report, the UN Special Rapporteur on human trafficking pointed out: "the increasingly restrictive immigration policies, including criminalization and detention of irregular migrants, insufficient channels for regular migration and family reunification and lack of regular access to the labour market for asylum seekers, refugees and migrants further contribute to an increase in the exploitation of migrants, including through trafficking."<sup>3</sup>

In recent times, the specialized counselling centres in Germany experience an increase in asylum seekers who have been trafficked and exploited. Some have become victims in their countries of origin, some during their journey. Others have been exploited in Germany or another European country, very often in Italy, Greece or Spain – where they enter Europe first before arriving in Germany. For example in Dortmund, many women from Nigeria and Gambia arrive, who have entered through another European country, very often Italy, Greece or Spain. They started their journey in their home countries with the hope to find a better and safe life in Europe. Of course, legal migration to Europe for these women is not possible. The traffickers use this fact as a strategy. They always find ways to get false documents for the women. After they have arrived in Europe, the traffickers tell the women that they will not get help because they are in the country illegally. They are made to believe that if they ask for help, the police will put them in prison or harm them. When they are lucky, they get into contact with our organization or someone who knows us. Then we have the possibility to help. But often it is very hard to build trust.

One of the major problems we experience is the identification of victims of trafficking. This is in particular the case for persons who are in the country irregularly as a consequence of the trafficking situation. We must not forget that it is exactly the irregularity of their stay in a country that traffickers very often use to threaten the victims. Because of their fear of being arrested and deported, many victims will not report the crimes they are subjected to to the police and the perpetrators will remain undiscovered, while the victim may be punished for irregular entry or stay. Your Excellencies, I am sure all of you are familiar with the Recommended Principles and Guidelines of the UN Office of the High Commissioner for Human Rights. Guideline 4 recommends that states ensure "that legislation prevents trafficked persons from being prosecuted, detained or punished for the illegality of their entry or residence or for the activities they are involved in as a direct consequence of their situation as trafficked persons."<sup>4</sup> This principle of non-punishment is also enshrined in a number of legally binding documents. It is a crucial principle for the protection of the victims who have breached laws as a consequence of the trafficking situation. It needs to be applied in order to safeguard victims from re-victimization. Our experience shows that at least in Germany, this principle is still not given enough attention and more needs to be done.

<sup>2</sup> UNHCR (2016) Global Trends: Forced Displacement

<sup>3</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/090/48/PDF/G1609048.pdf?OpenElement>

<sup>4</sup> [www.ohchr.org/Documents/Publications/Traffickingen.pdf](http://www.ohchr.org/Documents/Publications/Traffickingen.pdf).

The problem of identification however is not only an issue for persons without a right to stay in the country - it also poses a problem in regards to asylum seekers and refugees. The OSCE participating states have recognized the high probability of trafficked persons in the group of refugees.<sup>5</sup>

Asylum seekers very often do not disclose to the authorities that they have become victims of trafficking due to fear, lack of trust, or shame. So far, no comprehensive systems have been put in place to identify vulnerable persons in the asylum procedure in Germany. Staff of reception centres or detention facilities is generally insufficiently trained to identify victims of trafficking. It is often social workers of counselling centres for THB victims who identify the persons; however, access to reception and detention centres is not always permitted and counselling centres are limited by their resources.<sup>6</sup> Some case officers of the Federal Office for Migration and Refugees - the German authority responsible for asylum applications - have received special training; however, these are not employed in all regional offices. Many of the counselling centres of the KOK run special projects to train staff and volunteers of the relevant institutions. Others have specific projects within asylum seekers reception centres to gain access to the individuals and offer advice and support if needed.

The Dortmunder Mitternachtsmission for example runs a project to get in contact with traumatised refugee women especially from western African countries who have become victims of trafficking. Most importantly, our project workers speak the languages and have specific cultural competences to really understand the situation of the women.

While these projects are successful and well received, their impact is limited due to the limited number of specialized counselling centres and their personnel.

Let me finish with some conclusions and recommendations from the point of view of those organisations working directly with victims of trafficking:

- our countries have to evaluate the impact of our migration policies on the risk of being trafficked. Restrictive migration policies in our view increase the vulnerability of migrants, including those fleeing conflicts and wars, and push them towards irregular routes and ways. And while the need to differentiate between smuggling and trafficking cannot be stressed enough, long and irregular journeys increase the dependency on those facilitating the travels and increase the risk of being exploited.
- we need better cooperation between the states in regards to the reception of refugees. Many states remain very reluctant to accept refugees and I would like to repeat the words of UN General Secretary Ban Ki-Moon: "We are facing the biggest refugee and displacement crisis of our time. Above all, this is not just a crisis of numbers; it is also a crisis of solidarity."<sup>7</sup>
- we have to increase our efforts to identify victims and provide for support. To do this, more funding has to be put into training of all relevant actors and we need adequate funding of the support structures.

<sup>5</sup> OSCE Commentary S. 87; <http://www.osce.org/secretariat/210391>.

<sup>6</sup> KOK inquiry (2016) not published: Survey sent to specialised counselling centres for victims of trafficking by the German NGO Network against Trafficking in Human Beings (KOK e.V.) in January 2016. 15 counselling centres answered the survey; see also GRETA (2015)<sup>10</sup>, Report concerning the implementation of the Council of Europe Convention against Trafficking in Human Beings by Germany, p. 38.

<sup>7</sup> See: UN Secretary General, Press release, 15 April 2016, [www.un.org/press/en/2016/sghsm17670.doc.htm](http://www.un.org/press/en/2016/sghsm17670.doc.htm).

- all OSCE participating states have to take the commitments made in regards to the prevention and prosecution of trafficking and the protection of victims seriously and put the human rights of victims at the centre of their measures.
- NGOs working directly with victims need to be included in the planning of strategies, legislation and practical measures.

Thank you all very much for your attention!